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ATTORNEYS FOR MK 510 LEASING, LLC

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:	§	CASE NO. 10-38809-bjh-11
	§	
JACK OUT OF THE BOX, LLC,	§	CHAPTER 11
	§	
DEBTOR.	§	Hearing Set For: 06/23/11 @ 1:15 p.m.

**OBJECTION TO DEBTOR'S MOTION AND NOTICE
TO ASSUME UNEXPIRED LEASE OF NON-RESIDENTIAL REAL PROPERTY**

COMES NOW MK 510 LEASING, LLC, (“MK” or “Respondent”) and hereby files this Objection to the Debtor’s Motion and Notice to Assume Unexpired Lease of Non-Residential Real Property (the “Motion”) and would show the Court the following:

1. MK is Debtor’s Landlord for the Debtor’s principal business premises at 2303 Pittman St., Dallas, TX (the “Premises”).
2. MK objects to the Debtor’s proposed assumption of the lease for the “Premises” for the reason that the Debtor has not proposed a prompt cure to the prepetition monetary defaults defaults.
3. MK further objects for the reason that the Debtor has failed to offer MK adequate assurance of future performance.

WHEREFORE, Respondent prays that the Court take note of its Objection, deny Debtor's Motion and Notice to Assume Unexpired Lease of Non-Residential Real Property and grant MK such other legal and equitable relief as this Court considers proper.

Dated this 20th day of May, 2011.

Respectfully submitted,

MCGUIRE, CRADDOCK & STROTHER, P.C.

By: /s/ James G. Rea (06/20/11)

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing pleading was forwarded by electronic mail and/or U.S. first class regular mail, on the 20th day of June, 2011, to the attached Service List.

/s/James G. Rea (06/20/11)
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